

be so construed as to prevent the citizens of Queen Anne's and Kent Counties from using the waters of Chester River in common, or the citizens of Dorchester and Wicomico Counties from using the waters of Nanticoke River in common, or the citizens of Queen Anne's and Talbot Counties from using the waters of the Wye River and the mouth thereof in common, or the citizens of Dorchester and Talbot Counties and *bona fide* residents of the Fourth Election District of Caroline County who shall have resided in said district not less than one year next preceding from using the waters of the Choptank River in common; provided, however, that the County Commissioners shall be authorized to give special permission to any woman who has no visible means of support to take and catch oysters without license. Provided, that the open season for the taking or catching of oysters in the Tred Avon River and the tributaries in Talbot County shall be from the first day of September to the fifteenth day of April, each year, both dates inclusive.¹

The oyster beds of Chesapeake bay are property of the state, and legislature may make all reasonable regulations concerning same. *State v. Applegarth*, 81 Md. 299; *Hess v. Muir*, 65 Md. 606 (separate opinion).

The act of 1894, ch. 380, is not unconstitutional as embracing a subject distinct from its title. *State v. Applegarth*, 81 Md. 303.

This section referred to in deciding that sec. 9 applies only to oysters taken from the waters of this state. *Tyler v. State*, 93 Md. 313.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1894, ch. 380, sec. 2. 1890, ch. 380. 1910, ch. 413, sec. 2 (p. 206). 1927, ch. 127, sec. 2. 1939, ch. 746.

2. Each and every license issued in conformity to the provision of Section 1 of this Article shall state the name, color, age and residence of the person to whom the license is to be granted; the number thereof, and the county in which the same is to be used, and every applicant for such license shall pay to the clerks of the circuit court when such license may be granted, and before the issuing and delivery of the same, three dollars and fifty cents, the clerk to receive twenty-five cents for each and every such license as a fee for issuing the same, including administering the oath when required. One-third of the amount received for such license shall be paid by the clerk to the school commissioners for the use of the public schools in the respective counties where such licenses are issued, and of this amount the portion received from white tongers to go to the white schools, and the portion received from the colored tongers to go to the colored schools, and the remaining two-thirds to be paid over by the clerk to the Comptroller of the State Treasury, to be credited to the oyster fund; and two-thirds of the amount received from any tonging license in any county in this State shall be paid by the clerk of the circuit court of the county when received to the comptroller of the treasury to be credited to the oyster fund, any provisions of any public local law or public general law to the contrary notwithstanding.

This section referred to in construing secs. 34 and 35. *Smith v. School Commissioners*, 81 Md. 517.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1894, ch. 380, sec. 3.

3. Every applicant for license as aforesaid shall be required to make oath or affirmation before the clerk authorized to issue the same, or some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license; that the facts set forth therein

¹ Sec. 2 of ch. 515 of acts of 1933 repealed all laws inconsistent therewith to extent of such inconsistency.